

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LG ELECTRONICS, INC.,

Plaintiff and
Counterclaim Defendant,

v.

BIZCOM ELECTRONICS, INC., COMPAL
ELECTRONICS, INC., and SCEPTRE
TECHNOLOGIES, INC.,

FIRST INTERNATIONAL COMPUTER, INC.
and FIRST INTERNATIONAL COMPUTER OF
AMERICA, INC.,

Q-LITY COMPUTER, INC., QUANTA
COMPUTER, INC., and QUANTA COMPUTER
USA, INC.,

Defendants and
Counterclaimants.

No. C 01-01375 CW
C 01-01594 CW
C 01-02187 CW

**THIS DOCUMENT
RELATES TO ALL
CASES**

ORDER REGARDING
COURT APPOINTED
EXPERT

On January 17, 2007, the parties filed their joint proposal for the selection and use of a court appointed expert in these cases. The parties propose "that a Court Appointed Expert, if used at all, should provide testimony relating only to the background of pertinent technologies" in the form of "a tutorial for the jury limited to the technology and the terminology used in the relevant industry." Joint Proposal at 2-3. According to their proposal,

1 "The Court Appointed Expert would not provide any testimony
2 relating to the substantive issues in dispute such as infringement
3 or validity." Id. at 3.

4 The Court has considered the parties' joint proposal and
5 intends to proceed with a court appointed expert who will provide
6 testimony relating to the substantive issues in dispute as well as
7 technological issues as discussed at the December 1, 2006 case
8 management conference. The Court would also accept a jury waiver.
9 The parties shall submit within two weeks a joint proposal
10 regarding the selection of a court appointed expert who will
11 provide testimony relating to the pertinent technologies as well as
12 opinions regarding disputed issues.

13 The parties shall meet and confer concerning the individual
14 that the Court will select as the court-appointed expert. If they
15 cannot agree on the individual, the parties shall try to agree on
16 the process for selecting the individual and shall inform the Court
17 of the agreed process. If the parties cannot agree on a process,
18 Plaintiff shall provide Defendants with two nominees; Defendants
19 shall provide Plaintiff with two nominees. The parties will
20 provide the Court with commentary, no more than five pages per
21 side, on why the Court should select one of their nominees, and not
22 one of the opposing side's nominees.

23 The parties are also ordered to submit a proposed schedule,
24 including when the parties will provide the court-appointed expert
25 with information, and what information will be provided, when the
26 court-appointed expert's report should be due and when the parties
27 will depose the court-appointed expert.

1 The Court will consider the parties' statement and then issue
2 an order. If the parties have any legal arguments why the Court
3 should not proceed in this manner, they should submit them to the
4 Court along with the joint proposal.

5
6 IT IS SO ORDERED.

7 Dated: 1/22/07



CLAUDIA WILKEN
United States District Judge